

**BARBERING & COSMETOLOGY EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
JUNE 7, 1999**

**PRESENT:** Barbara Flaherty, John Fahey, Leon Lauer, Marville Martin, Bruce Bennett, Lorraine Norem, Danny Trotter

**EXCUSED:** Toni Ann Palermo

**STAFF PRESENT:** Secretary Cummings, Alfred Hall, Jr., John Schweitzer, Darwin Tichenor; Judy Mender, and Jan Neitzel. Members of Division of Enforcement Staff were present for portions of the meeting.

**GUESTS:** Numerous Guests

**CALL TO ORDER**

The meeting was called to order at 9:32 a.m. by Barb Flaherty, Chair, upon confirmation that the public notice was timely given. A quorum of 7 members was present.

**AGENDA**

The Board was advised of the addition of the Department of Workforce Development to the agenda.

**MOTION:** Leon Lauer moved, seconded by Marville Martin, to approve the agenda as amended. Motion carried unanimously.

**MINUTES (4/5/99)**

**MOTION:** Marville Martin moved, seconded by Leon Lauer, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary's Report**

- Update on the appointment of an Advisory Committee for Aestheticians and Electrologists. The Advisory Committee will make recommendations concerning the scope of practice of aestheticians and electrologists.

Secretary Cummings said she supports the formation of an advisory committee formed for aestheticians and electrologists, as well as for manicurists.

The Board received a copy of several advertisements for different services provided in the barber/cosmetology field.

Secretary Cummings discussed the operations of spas and the education process for the employees.

Secretary Cummings informed the Board that the apprentice Committee addressed and clarified many issues and that the Department of Regulation and Licensing is still committed to the apprenticeship program.

- Response to Statutory Revision s. 440.62(5)

Secretary Cummings discussed the proposed apprenticeship programs for aestheticians, electrologists and manicurists which she feels would help with theoretical training for instructors and apprentices.

Secretary Cummings also discussed with the Board the issue regarding salon visits being credited as theory hours and the most expedient route to clarify this issue.

### **Bureau Director's Report**

- Roster

The Board received the April 1999, updated roster.

- Regulatory Digest

Alfred Hall stated that the draft of the Digest is in progress.

Alfred Hall stated that revised rules were effective June 1, 1999.

The Board received a copy of the barber/cosmetology rules, Chapters BC 1-9 definitions.

The Digest will summarize the rule changes and also explain the discipline grid.

- Speaking Engagement

Alfred Hall said he spoke to private school owners regarding rule modifications.

Alfred Hall advised the Board that board members could speak to groups who are interested in Barber/Cosmetology.

- To Pass Folder

Information was circulated in the To-Pass folder and duly noted.

## **LEGISLATIVE UPDATE**

### **Status of Proposed Remedial Legislation Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses**

#### **Status of Revision sec. 454.06(1)(b) re: Conviction**

John Schweitzer advised the Board that the Executive Assistant of the Department will ask the Legislature to give the Board increased authority when reviewing the conviction record of anyone who applies for a license.

## **ADMINISTRATIVE RULES**

### **Chapter BC 1-6, and 8**

The Board received a copy of the revised rules for Chapter BC 1-6, and 8. Noted

### **Scope Statement for Creating Salon Visits As Theory Hours**

Alfred Hall and John Schweitzer explained that the Board has clarified the practice of allowing “barber/cosmetology schools to grant up to 8 theory hours of credit for structured visits conducted by the school outside of the classroom at one or more barbering or cosmetology establishments”.

John Schweitzer requested a change on page 3 of the minutes of the April 5, 1999, board meeting regarding the motion to “Create Salon Visits As Theory Hours” to read: Leon Lauer moved, seconded by Marville Martin, to include minimum standards in ch. BC 5, including 8 theory hours for structured visits. The visits would be conducted by the school, apart from the classroom, at one or more barbering or cosmetology establishments. Motion carried unanimously.

John Schweitzer advised that he will be proceeding with the theory hour rule draft.

## **PRACTICE ISSUES**

### **Mobile Units Update**

John Schweitzer said he is waiting for more information from the person requesting approval for operating the mobile unit.

The Board will discuss mobile units for cosmetology at the next board meeting.

### **Cosmetologists Taught Strictly By Video**

**MOTION:** Leon Lauer moved, seconded by Marville Martin, to permit discussion of Agenda Item 7B, “Cosmetologists Taught Strictly By Video,” out of order. Motion carried unanimously.

John Schwietzer discussed with the Board a telephone call regarding courses being taught by video. The points discussed were: potential abuse, guidance for the student, lack of information, what courses were being taught and whether the entire class is being taught by video. The Board agreed that it had insufficient information to fully discuss this issue and asked John Schweitzer to provide more information at the next board meeting.

## **APPRENTICESHIP PROGRAM**

### **Ad Hoc Advisory Committee Report**

The Board received a draft copy of the minutes of the Apprenticeship Advisory Committee meeting on May 28, 1999.

Barb Flaherty stated that the Apprenticeship Advisory Committee respects both in-school training and apprenticeship training. She stated that the Apprenticeship Advisory Committee has done a wonderful job recommending changes along with the help of the Department of Workforce Development. She also informed the Board that the Apprenticeship Committee recommended that no additional changes be implemented until the last changes have had time to work.

Barb Flaherty stated that Ken Moore (Chief of Field Operations for Apprenticeship Standards, DWD) will speak at this board meeting regarding the apprenticeship program.

#### Overview of the Apprenticeship Program

**MOTION:** Marville Martin moved, seconded by John Fahey, to discuss the overview of the Apprenticeship Program out of agenda order. Motion carried unanimously.

The Board received a copy of the June 4, 1999, memo from Marge Wood relating to Barber/Cosmetology apprenticeship.

The Board received a copy of the December 11, 1996, DACUM Research Chart for the Journey Worker as a Trainer.

The Board received a copy of the June 1, 1999, list of Wisconsin apprentices and establishments participating in the apprenticeship program.

Barb Flaherty noted that copies of the inspection reports and summaries of surveys of the apprenticeship program are available.

**MOTION:** Marville Martin moved, seconded by John Fahey, to accept the report of the Apprenticeship Advisory Committee and to wait for the report from the DWD before recommending any other changes to the apprenticeship program. Motion carried unanimously.

- Apprenticeship Committee, Bennett

Bruce Bennett discussed his May 20, 1999, letter relating to the apprenticeship program.

- Bureau of apprenticeship Standards Update

Ken Moore reported that as of June 1, 1999, there are 325 active salons and 525 active apprentices in this trade. The Apprenticeship Advisory Committee and DWD are working together to obtain accurate numbers regarding completion rates of apprentices. Ken Moore stated that several reasons for inaccuracy are, 1) apprentices may have more than one contract, 2) some of the contracts are not closed. 3) Apprentices complete their hours, apply for the barber/cosmetology test, apply and work under a temporary permit.” Ken Moore also stated that

the changes implemented by the Apprenticeship Committee have been favorable and have greatly improved the credibility of the program.

Ken Moore also informed the Board that DWD has inspected 91 salons to date and need to inspect 200 more. They expect the inspections to take about 2 years. Some salons will probably not pass these inspections, and therefore will be prohibited from having apprentices.

Ken Moore explained the December 12, 1996, DACUM Research chart relating to training skilled workers to train apprentices.

Ken Moore stated that the DWD will try to make available to all salons in the Apprenticeship Program the Waukesha Technical College training manual.

- Recommendations of the Apprentice Advisory Committee

The committee recommended that no changes be made in the apprenticeship program at this time. The Committee agreed it is important to wait for the previous changes to take effect.

### **Gil-Tech Academy of Hair Design**

The Board received a copy of the April 15, 1999, letter from Ann Everson, Director, Gill-Tech Academy of Hair Design relating to the Apprenticeship Program.

### **Apprenticeship Program Correspondence**

The Board received a letter from Kathy Schauer and the results of a survey concerning the apprenticeship program, conducted by Waukesha County Technical College.

The Board received a copy of the letters from Keith Zimmerman, John J. Shanahan, Dawn Panfil, Duane Hampton, Barbara Zeppos, Sonja Lovely, and Kathleen Ann Bergant expressing support for the apprenticeship program.

### **Theoretical Hour Requirement Disparity Between Schools and Apprenticeship Program**

The Board received a copy of a letter and attachments from Bruce Bennett relating to the apprenticeship program.

The Board discussed the proposed increase of apprenticeship hours from 288 hours to 648 hours and agreed to leave the apprenticeship hours at 288.

## **EXAMINATION ISSUES**

### **Elimination of Requirement for Practical Examinations**

Bruce Bennett discussed the benefits of testing students at the barber/cosmetology schools.

The Board discussed the pros and cons of eliminating the practical exam portion of the apprenticeship exam.

Barbara Showers advised the Board that the written and practical exams are mandated by the legislature and a legislative action would be needed for changes. Barbara Showers proposed that practical skills be tested by the schools and the written test be given by the Board.

Leon Lauer recommended that the schools not administer the written or practical exams to help keep consistency for those taking the tests.

A guest asked where apprentices would take their exam if the practical would be administered by the schools. Bruce Bennett answered that apprentices could go to the nearest school. The Board clarified that apprentices are allowed to work until they take the practical exam.

A guest stated that requiring a written test only would be detrimental to those who have difficulty reading.

Barb Flaherty requested that Secretary Cummings form an advisory committee to study the issue of a written exam only and to specify the end result. Barb Showers agreed to supply information to help determine what is needed.

Alfred Hall responded to a guest's concern regarding issues being discussed without the public being informed. Mr. Hall stated that nothing can be discussed at a meeting without being noticed and that the notices are published weekly. Anyone can request a copy.

Mr. Hall explained that a rule change takes approximately 9 months.

At the next meeting Barbara Showers will discuss conducting a survey of the Barber/Cosmetology profession regarding the testing process.

A guest requested that the practical exam continue to be given.

Alfred Hall recommended that surrounding states be contacted regarding their methods of testing and the types of tests used.

### **Instructor Examinations Options**

Darwin Tichenor discussed issues regarding the grading of the instructor's exam, and offered to supply the Board with more information at the next Board meeting.

### **Review of Practitioner Exam Topics**

Darwin Tichenor discussed the September 1998, "Wisconsin Barber and Cosmetology Practical Analysis Survey Report", which is the summary of the content analysis survey that was done 3 years ago. It describes the survey methodology, where the information was obtained, the current content outline of the written examination, the nine subject areas of the exam, the exam questions and it provides a detailed breakdown of the specific topics.

Mr. Tichenor explained to the Board that the written exam for the Practitioner was drafted three years ago under Board supervision. It was developed and is administered by Continental Testing

Service (CTS). Mr. Tichenor recommended that the Board form a committee to review this test for any possible changes.

The Board will discuss at the next board meeting what if anything needs to be done.

### **Suggested Time Changes for Aesthetician and Manicurist Examinations**

The Board received a copy of the memo dated April 1, 1999, from Aurie Gosnell, Chair of the NIC, relating to the amount of time allotted for the aesthetician and manicurist exams.

Darwin Tichenor relayed to the Board the National Interstate Council's (NIC) recommendation to reduce the 2 hours allotted for the aesthetician and manicurist examinations to 90 minutes. Mr. Tichenor recommended leaving the time for the exams at 2 hours.

**MOTION:** Leon Lauer moved, seconded by Lorraine Norem, to leave the exam time at two hours for the aesthetician and manicurist exams. Motion carried unanimously.

### **Results of Post-Facto Practitioner Exam Rescores**

Darwin Tichenor discussed his June 7, 1999, memo, "Result of the Practitioner Exam Rescore". All test scores of participants who had taken this exam from June 1, 1998 through June 1, 1999, have been reevaluated. These changes reflect the decision made by the Office of Examinations and Legal Counsel. The scoring will now be done as a single cumulative or average score. Mr. Tichenor stated that the studies done show the new method of scoring will increase the number of passing candidates.

## **DIVISION OF ENFORCEMENT**

### **Forfeiture Grid-Amount to Assess Against Owners who Are Not Meeting Standards of Training Apprentices**

The Board received a copy of the June 2, 1999, Forfeiture Grid. Noted.

Carolyn Gallagher discussed a possible change to the forfeiture schedule for owners/managers who are not meeting the standard of training apprentices.

**MOTION:** Danny Trotter moved, seconded by Leon Lauer, to make the changes relating to the manager and the owner fines. Motion carried unanimously.

A guest relayed to the Board his concern that managers/owners may unjustly be fined.

John Schweiter explained that before any fines are issued there should be an investigation.

## **LEGAL COUNSEL REVIEW OF PHONE INQUIRIES**

John Schweitzer stated that he has received phone inquiries relating to eyelash tinting, hair braiding and weaving, and nail artistry after a manicuring service and would like the Board's opinion on these services.

### **EyeLash Tinting**

The Board discussed eyelash tinting and advised that eyelash tinting is acceptable with the correct product and training.

### **Hair Braiding and Weaving**

Bruce Bennett cited BC 5.02, IV, as a reference for braiding and weaving.

The Board discussed hair braiding and weaving and agreed that these need to be done by a licensed cosmetologist because they are part of dressing hair which is regulated by the Board.

Danny Trotter discussed issuing a limited license for shampooing, braiding and weaving hair. This will be discussed at the next board meeting.

Guests stated their support for only licensed cosmetologists doing hair braiding and weaving.

### **Nail Artistry after Manicuring Service**

A guest stated that any work done on nails needs to be done by a licensed manicurist.

The Board discussed a non licensed person doing nail artistry after a manicuring service, and agreed that anytime work is done on nails it needs to be done by a licensed manicurist.

The Board will discuss issuing a limited license for airbrushing at the next board meeting.

## **BOARD MEMBER ACTIVITY**

### **Second Annual National Association of Cosmetology and Barber Board Administrators Conference**

John Fahey reported that he attended the Conference of Board administrators on examinations and received information regarding Exterior Assessments (formerly NAI Block). Mr. Fahey reported that they are now doing computer-based testing, a written practical exam, and a test on natural hair braiding. They have compiled a book on measuring the test. They will contact the State of Wisconsin for possible participation.

John Fahey commented on Wisconsin being a leader in the industry of barber/cosmetology.

### **Appointing apprenticeship Permit Extension Board Advisor**

Marville Martin volunteered to be the new advisor to staff who processes applications for apprenticeship permit extension.



## **PUBLIC COMMENTS**

A guest stated that fractionating licenses will cause problems in the industry.

Lorraine Norem responded that she is against special licensing because of the safety and sanitation issues.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

### **Board Member Workshop**

The Board received a copy of the June 3, 1999, memo regarding the Board Member Workshop July 15 and 16, 1999.

### **Report on Apprenticeship Advisory Committee Meeting**

Judy Mender reported that the Advisory Committee addressed the following two issues:

- a. Minimum training time of apprentices, including a proposed decrease of time for a transferring student or a transferee from another state. At the present time, credit is received for practical and theory hours, but not for months of training.
- b. Decreasing the amount of time it now takes to issue a temporary permit to the apprentices

Judy Mender explained that as soon as the temporary permit is issued for apprentices, they are no longer considered an apprentice.

John Schweitzer explained that the time change requires coordination of the rule and statute: the rule grants 1 hour for 1 hour of practice time, but the statute for the apprenticeship program states the program cannot be completed in less than 2 years and not more than four years. The Committee is proposing a change to allow for a transferee to complete the program in less than 2 years. The Committee would like a statute change to ask for not less than 1 year, stated in hours, to complete the program.

Bruce Bennett referred to the new Administrative Code BC 6.05 relating to "Transfer credit".

## **NEW BUSINESS**

No new business.

## **RECESS TO CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Marville Martin, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed

disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Leon Lauer-yes; Marville Martin-yes; Lorraine Norem-yes; Danny Trotter-yes; John Fahey-yes; Barbara Flaherty-yes.

Open Session recessed at 12:47a.m.

## **CLOSED SESSION**

The Board deliberated on case closings, stipulations, proposed disciplinary actions, grading the aesthetician exam, a request to issue a license, and instructor examinations.

## **ADJOURN CLOSED SESSION**

**MOTION:** Danny Trotter moved, seconded by John Fahey, to reconvene in Open Session at 2:05 p.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **CASE CLOSINGS**

**MOTION:** Danny Trotter moved, seconded by John Fahey, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

98 BAC 015	Pretty Nails	No violation
98 BAC 016	Vivian Schmetzer	No violation
98 BAC 055	Pro Nails	No violation
98 BAC 110	Jennifer Quade	No violation
98 BAC 136	Fauquharson's Hair Styling Salon	No violation
98 BAC 036	Fauquharson's Hair Styling Salon	No violation
99 BAC 024	Margaret Schmidt	No violation
98 BAC 137	Lori Kumbalek	Lack of jurisdiction
96 BAC 142	The Original Hair King	P3
93 BAC 078	Ricky Robinson	Hold on license
97 BAC 086	Suave Center of Beauty	Lack of jurisdiction
98 BAC 091	Laura Pautsch	P7
97 BAC 145	Michaels Studio	PDP5
98 BAC 156	Nails Central (Central Nails)	L2
98 BAC 092	Christopher Allen, Kavin Grays	P2

## **STIPULATIONS**

### **Stipulations**

**MOTION:** Danny Trotter moved, seconded by John Fahey, to accept the, Findings of Fact, Conclusions of Law and Orders in the matters involving the following Stipulations. Motion carried unanimously.

Reginald Brown (Milwaukee WI)  
Sandra Brzozowski (Sussex WI)  
Warren Hawthorne (Milwaukee WI)  
Do Sy Ho (West Allis WI)  
Johnny Nguyen (Madison WI)  
Glennie Pickett (Milwaukee WI)  
Bobann Richmond (Milwaukee WI)  
Chinh Kieu Tran / Gung Do Maigcal Nails (Milwaukee WI)  
Thuan Q Tran LA Nails (Milwaukee WI)  
Virginia Weishan (Milwaukee WI)  
Angeline Daniels (Milwaukee WI)

### **Disciplinary Actions**

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to accept the findings of Fact, Conclusions of Law and the Proposed Decision and Order pertaining to Orquincy Hamilton (Milwaukee WI) and Eldon Page (Milwaukee WI), d/b/a All Nations Barber Shop. Motion carried unanimously.

### **Deliberation on Proposed Stipulations or Decisions that May be Signed after Printing of Agenda**

None.

### **Apprenticeship Applications Pending and Requests for Apprentice Establishment Transfer**

No pending applications.

### **Application Review**

- Orquincy Hamilton

**MOTION:** Danny Trotter moved, seconded by Leon Lauer, to deny the application for licensure of Orquincy Hamilton. Motion Carried unanimously.

### **Request for Appeal of Denial**

No requests.

### **Examination Issues**

- Challenges to Instructor Examinations

**MOTION:** Leon Lauer moved, seconded by Marvelle Martin, to recommend exam candidate 04004 for an instructor license. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Leon Lauer moved, seconded by Marville Martin, to adjourn the meeting at 2:47 p.m. Motion carried unanimously.